

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09912-RGK-SK Date February 15, 2024

Title *Atain Specialty Insurance Company v. Eurostone et al*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order to Show Cause Re: Service Upon Defendants Wendy Viridiana Solano-Claustro and Brian Ulises Garcia

On November 11, 2023, Atain Specialty Insurance Company ("Plaintiff") filed the present action against numerous defendants, including Wendy Viridiana Solano-Claustro and Brian Ulises Garcia (together, "Defendants"). According to the Complaint, Solano-Claustro is an adult, and Garcia is her minor child. (Compl. ¶ 8, ECF No. 1.) On January 26, 2024, Plaintiff filed proofs of service for both Solano-Claustro and Garcia. (ECF Nos. 24, 25.) According to the proofs of service, Plaintiffs served copies of the Complaint upon Rosa Claustro, Solano-Claustro's mother, on January 19, 2024 at Defendants' residence or usual place of abode.

On February 14, 2024, Plaintiff entered Requests for the Clerk to enter default against Defendants. (ECF Nos. 47, 48.) The Clerk could not grant the Requests because it is not clear that service was proper upon either Defendant. Regarding Solano-Claustro, service may be made by leaving a copy of the summons and complaint at her "dwelling or usual place of abode with someone of suitable age and discretion who resides there." Fed. R. Civ. P. 4(e). It is not clear from the proof of service that Rosa Claustro resides at Defendants' address. Service upon Garcia is questionable for the same reason. Additionally, despite previously describing Garcia as a minor child, Plaintiff now represents that Garcia is an adult. (Stargardter Decl. ¶ 5, ECF No. 48-1.) If Garcia is a minor, Plaintiff must meet the requirements of Federal Rule of Civil Procedure 4(g). Accordingly, the Court **ORDERS** Plaintiff to show cause in writing why service upon Defendants was not deficient. Such a response shall be filed within **seven days** of this Order's issuance and shall not exceed **five pages**.

IT IS SO ORDERED.

Initials of Preparer

JRE/ak